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February Term, A. D., 1940.

THE STATE OF TEXAS,
COUNTY OF AUSTIN.

Be it remembered that on this, the 1st. day of February, A. D., 1940, the Commissioners' Court of Austin County, Texas, met in the Court House in Bellville, for the regular February Term, A. D., 1940, of said Court.

Present: Hon. J. Lee Dittert, County Judge; Wm. J. Reinicke, Henry O. Schmidt, C. M. Keor and Erwin Graeter, Commissioners; Ed. Batla, Clerk, and E. E. Reinseker, Sheriff.

Court opened by proclamation of the Sheriff at the Court House door, whereupon the following proceedings were had, to-wit:

IN THE MATTER OF FIXING SALARY OF
TICK INSPECTOR OF AUSTIN COUNTY.IN THE COMMISSIONERS' COURT OF AUSTIN
COUNTY, TEXAS, SPECIAL FEBRUARY TERM, 1940.

On this, the 1st. day of February, 1940, the Commissioners' Court of Austin County, Texas, convened in regular session at a special term thereof with all members present, came on to be considered the matter of fixing the salary of the Cattle Fever Tick Inspector of said County at an amount less than the salary granted said Tick Inspector by this Court at its Special Term on the 22nd. day of November, 1937, as will more fully appear in Volume "Q", page 28, Minutes of said Court; and it appearing to the Court that, due to the unusual drain on the funds of said County at this time, it is deemed necessary that said salary be reduced to the sum of One Hundred, Twenty-five & no/100 Dollars per month:

It is therefore ordered, adjudged and decreed by the Court that the salary of the Cattle Fever Tick Inspector of said Austin County, Texas, be and the same is reduced from One Hundred, Fifty Dollars (\$150.00) per month to One Hundred, Twenty-five Dollars (\$125.00) per month, effective on the 1st. day of January, A. D., 1940, and that said salary be paid at the rate last mentioned until such time as the Court may choose to increase, reduce or discontinue the same.

The above order being read in open Court, it was moved by Commissioner Reinicke and seconded by Commissioner Keor that same do pass. Thereupon, the question being called for, the following members present voted AYE: Commissioners Reinicke, Schmidt, Keor and Graeter, and the following voted NO: None.

Done in open Court, this 1st. day of February, A. D., 1940.

Attest: Ed. Batla
Clerk.

J. Lee Dittert
County Judge of Austin County,
Texas.

THE STATE OF TEXAS,
COUNTY OF AUSTIN.IN THE COMMISSIONERS' COURT OF AUSTIN COUNTY, TEXAS.
SPECIAL FEBRUARY TERM, A. D., 1940.

On this, the 1st. day of February, 1940, the Commissioners' Court of Austin County, Texas, convened in regular session, at a special term thereof with all members present, to-wit: J. Lee Dittert, County Judge; Wm. J. Reinicke, Henry O. Schmidt, C. M. Keor and Erwin Graeter, Commissioners; and, among others, passed the following order, to-wit:

It appearing to the Court that the following proceedings heretofore had by this Court, Court, to-wit:

(1) The order of this Court made and entered on the 2nd. day of January, 1939, appointing a jury of view pursuant to a petition signed by Ferdinand Siskin, and others, praying for the establishment of a first class road over and across the land owned by the Corporation of San Felipe de Austin;

(2) The report of said jury of view filed in this Court on January 26th., 1939;

(3) The order of this Court made and entered on the 10th. day of April, 1939, adopting said report of the jury of view and ordering the establishment of a first class road; and

(4) The order of this Court made and entered on the 10th. day of April, 1939, ordering a warrant in the sum of Two Hundred Dollars (\$200.00) to be drawn by the Clerk of this Court payable to said Corporation of San Felipe de Austin, in payment for damages occasioned by the establishment of said road,

are void and invalid and should be set aside and held for naught, and said warrant in the sum of \$200.00 should be recalled and cancelled, for the reason that the lands across which said first class road is sought to be established were and are wholly within the boundaries of the Corporation of San Felipe de Austin, an incorporated town, and the Commissioners' Court of Austin County has no power or authority to establish roads within the limits of said incorporated town:

It is therefore ordered, adjudged and decreed by the Court that all proceedings had by the Commissioners' Court of Austin County, Texas, in relation to the opening and establishment of said road, as hereinabove fully set forth, be and the same are hereby set aside, cancelled and held for naught, and it is further ordered, adjudged and decreed by the Court that said warrant in the sum of Two Hundred Dollars (\$200.00), above described, be and the same is hereby recalled and cancelled.

The above order being read in open Court, it was moved by Commissioner Keor and seconded by Commissioner Reinicke, that same do pass. Thereupon, the question being called for, the following members present, to-wit: Commissioners Reinicke, Schmidt, Keor and Graeter, voted AYE, and the following voted NO: None.

Done in open Court, this 1st. day of February, A. D., 1940.

Attest: Ed. Batla
Clerk.

J. Lee Dittert
County Judge of Austin County, Texas.

February Term, A. D., 1940.

THE STATE OF TEXAS,
COUNTY OF AUSTIN.IN THE COMMISSIONERS' COURT OF AUSTIN COUNTY, TEXAS, TEXAS.
SPECIAL FEBRUARY TERM, 1940.

On this, the 1st. day of February, 1940, the Commissioners' Court of Austin County, Texas, convened in regular session at a special term thereof with all members present, the following proceedings, among others, were had, to-wit:

This day came on to be considered by the Court the proposition of the Corporation of San Felipe de Austin to sell and convey to Austin County for the sum of Three Hundred, Fifty Dollars (\$350.00) a strip of land sixty (60) feet in width over and across its land, beginning in the south line of State Highway No. 73, and opposite the intersection of the State Highway leading from the Stephen F. Austin Park with said Highway No. 73, just south of the San Felipe Station on the M-K-T R.R., to the south line of the five leagues of land originally granted to San Felipe de Austin, intersecting the Frydek-Sealy road and the corners of the Baumruk and Sodelak lands; and it appearing to the Court that by the opening and establishment of a public road along the location above described the inhabitants and tax-payers residing in the Frydek community will have a shorter and more direct connection with said State Highway No. 73 and that a necessity exists for the opening and establishment of said road; and it further appearing to the Court that the territory over and across which the above described road is sought to be established is within the limits of the Corporation of San Felipe de Austin, and that by reason thereof this Court is without authority to exercise the right of Eminent Domain, and therefore should accept the proposition made by the Corporation aforesaid:

It is therefore ordered, adjudged and decreed by the Court that the proposition of the Corporation of San Felipe de Austin, offering to sell and convey to said Austin County a strip of land sixty (60) feet in width over and across its land within the limits of said Corporation, to be more particularly described in its deed to said Austin County, be and the same is hereby accepted, and the Clerk of this Court is hereby authorized and directed to draw a draft in favor of said Corporation of San Felipe de Austin, in the sum of Three Hundred, Fifty Dollars (\$350.00), as full and adequate compensation for the land so sold and conveyed and for all damages sustained by said Corporation by reason of the establishment of said road, and that the said amount be charged against the Road and Bridge Fund of said County.

The above order being read in open Court, it was moved by Commissioner Keor and seconded by Commissioner Reinicke that same do pass. Thereupon, the question being called for, the following members present voted "AYE": Commissioners Reinicke, Schmidt, Keor and Graeter, and the following voted NO: None.

Done in open Court, this 1st. day of February, A. D., 1940.

Attest: Ed. Batla
Clerk.

J. Lee Dittert
County Judge of Austin County,
Texas.

RESOLUTION

THE STATE OF TEXAS
COUNTY OF AUSTININ THE COMMISSIONERS COURT OF AUSTIN COUNTY, TEXAS.
SPECIAL FEBRUARY TERM, A. D. 1940.

WHEREAS, it has been made known to the Commissioners Court of Austin County, Texas, by resolution of the Town Council of the Corporation of San Felipe de Austin, a copy of which said resolution is hereto attached and made a part hereof, that the said Town Council of the Corporation of San Felipe de Austin has divested itself and its successors in office of the responsibility of the maintenance and upkeep of all roads, streets and alleys and all bridges within the boundaries of said Municipal Corporation, and by said resolution has invested the Commissioners Court of Austin County, Texas, with the responsibility of the control and upkeep and maintenance of all roads, streets and alleys and all bridges within the boundaries of said Municipal Corporation; and,

WHEREAS, the Commissioners Court of Austin County, Texas, under the circumstances existing in this case, is authorized by law to assume the control and the full responsibility of the upkeep and maintenance of all of the roads, streets and alleys and bridges within the boundaries of the Corporation of San Felipe de Austin; and,

WHEREAS, the Commissioners Court of Austin County, Texas, is desirous of assuming such control and responsibility and has agreed with the said Town Council of the Corporation of San Felipe de Austin to assume such control and responsibility, as aforesaid:

NOW, THEREFORE, BE IT RESOLVED that the Commissioners Court of Austin County, Texas, under and by virtue of the aforesaid, does hereby assume the control of and the full responsibility of the maintenance and upkeep of all of the roads, streets and alleys and of all bridges within the boundaries of the Corporation of San Felipe de Austin in the same manner and to the same extent that the Commissioners Court of Austin County, Texas, is authorized by law to control, maintain and keep up other roads, streets and alleys and bridges in Austin County, Texas; and the Commissioners Court of Austin County, Texas, agrees to keep up and maintain said roads, streets and alleys and bridges in the same manner and with the same diligence that other roads, streets and alleys and bridges of like character and dignity are maintained by said Court; and the Commissioners Court of Austin County, Texas, further agrees that no new roads, streets and alleys and drainage ditches shall be opened or established upon, through or over any lands now owned or to be owned by the said Corporation of San Felipe de Austin without the consent of the Town Council of the said Corporation of San Felipe de Austin, and further that all road duty, if any, by lands living within the boundaries of the Corporation of San Felipe de Austin shall be restricted and limited in accordance with the provisions of the resolution of the Town Council of San Felipe de Austin as aforesaid.

The above resolution having been presented and read in open Court and the same coming on for adoption upon motion of G. M. Keor, seconded by W. J. Reinicke, said resolution was adopted by unanimous vote of the members present.

Done this 1st day of February, A. D. 1940.

J. Lee Dittert
County Judge, Austin County, Texas.

February Term, A. D., 1940.

Wm. J. Reiniske
Commissioner, Precinct No. 1, Austin County,
Texas.

Henry O Schmidt
Commissioner, Precinct No. 2, Austin County,
Texas.

C. M. Keer
Commissioner, Precinct No. 3, Austin County,
Texas.

Erwin Graeter
Commissioner, Precinct No. 4, Austin County,
Texas.

RESOLUTION

THE STATE OF TEXAS
COUNTY OF AUSTIN

WHEREAS, there exists on this the 29th. day of January A. D. 1940 a Municipal Corporation known as the "Corporation of San Felipe de Austin," and being situated in Austin County, Texas, and

WHEREAS, said Corporation of San Felipe de Austin, is an incorporated town located in the County and State aforesaid where it holds its regular meetings for the transaction of its business, and

WHEREAS, said Corporation has for a number of years previous to and including this date operated through its duly elected officers, as required by law, and under said authority states that they have met as a Council at the times requires of them and have transacted their business in the interest of the citizens living within its boundaries, and

WHEREAS, the said Council has always reserved full control over the laying out of streets, roads and alleys within the boundaries of said Corporation, and have from time to time spent varying sums of money in the maintenance of same in keeping with the requirements of its citizens, and

WHEREAS, the amount of travel has increased over said roads, streets, alleys and bridges, not only as to number of vehicles but as to weight and size of same, which will now necessitate the expenditure of considerable sums of money for buying bridge material and road equipment as well as labor beyond the means of said Municipal Corporation.

NOW, THEREFORE, we the duly elected officers of the Municipal Corporation of the town of San Felipe de Austin, do here and now divest this Council and its successors in office of any control over the streets, roads, alleys and bridges within the boundaries of said Municipal Corporation as shown by a map now on record in the County Clerk's office in Austin County, Texas, and recorded in Volume 128, page 178, as well as any responsibility due to accident or otherwise which may occur upon any of the said roads, streets, alleys or bridges, and invest the Commissioners Court of Austin County, Texas, with the full responsibility of whatever nature as well as the upkeep and maintenance of all streets, roads, alleys and bridges now open to the public within the limits of the Corporation of San Felipe de Austin, Texas, in the same manner and with the same diligence that other roads, streets, alleys and bridges of like character are maintained by said Court, for and in consideration of the sum of One (\$1.00) Dollar. It is expressly understood that should the Commissioners Court of Austin County, Texas, desire to open other streets, roads, and alleys and drainage ditches through any of the lands now or to be owned by the Corporation of San Felipe de Austin that the said Commissioners Court shall first obtain the consent of the Council representing the said Municipal Corporation, and after permission is granted, the Commissioners Court of Austin County, Texas, shall have full control and responsibility over the newly designated road or roads.

It is further understood and agreed that the Commissioner of Precinct No. 3 of Austin County, Texas, and his successors in office shall have the same power to summons all eligible men for road work in the Corporation limits of the Town of San Felipe de Austin, Texas, in the same manner as the law requires of him in other parts of his precinct, provided, however, that the citizens of said town of San Felipe de Austin, Texas, shall be required to work only the roads now existing in said Corporation limits unless approval to the contrary is given by the said Council of the Town Corporation.

This resolution is to become effective upon the passage of a similar resolution by the Commissioners Court of Austin County, Texas, in which the above provisions are ratified and same is spread upon the Minute Book of said Commissioners Court.

Witness our hands this the 29th. day of January A. D. 1940. at San Felipe de Austin, Texas, in our capacity as Mayor and Secretary, and by the authority vested in us by the State of Texas and the unanimous approval of all the Aldermen of said Town Council.

R. C. Kunze
Mayor, Municipal Corporation of
San Felipe de Austin, Texas.

J. H. Craig
Secretary, Municipal Corporation of
San Felipe de Austin, Texas.

Whereupon the Court adjourned this February 1st., A. D., 1940.

R. C. Dittert
County Judge of Austin County, Texas.